



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

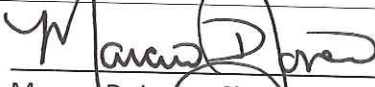
February 11, 2014

From: George M. Homewood, AICP CFM, Acting Planning Director

Subject: **Adult Use Special Exception for Mazzika Mediterranean Restaurant**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-11

- I. **Staff Recommendation:** Approval
- II. **Commission Action:** By a vote of 6 to 0, the Planning Commission recommends **Approval**.
- III. **Requests:** To amend a previously granted Special Exception to operate an Entertainment Establishment and serve alcoholic beverages to its customers.
- IV. **Applicant:** Mazzika Mediterranean Restaurant – 4800 Colley Avenue
- V. **Description:** This request would allow Mazzika Mediterranean Restaurant to expand the establishment into an adjacent suite, increase seating, and extend operation hours at an existing Entertainment Establishment.

| | Previous | Proposed |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Hours of Operation | 11:00 a.m. until 2:00 a.m. seven days a week | 7:00 a.m. until 12:00 midnight Monday through Thursday 7:00 a.m. until 2:00 a.m. Friday through Sunday |
| Hours for the Sale of Alcohol | 11:00 a.m. until 12:00 midnight Sunday through Thursday 11:00 a.m. until 1:30 a.m. Friday and Saturday | 11:00 a.m. until 12:00 midnight Monday through Thursday 11:00 a.m. until 2:00 a.m. Friday and Sunday |
| Hours for Entertainment | 11:00 a.m. until 2:00 a.m. seven days a week | 6:00 p.m. until 12:00 midnight Monday through Thursday 6:00 p.m. until 1:30 a.m. Friday through Sunday |
| Capacity | <ul style="list-style-type: none">86 seats indoors40 seats outdoors98 total capacity | <ul style="list-style-type: none">94 seats indoors40 seats outdoors148 total capacity |

Staff point of contact: Chrishaun Smith at 664-4740, chrishaun.smith@norfolk.gov

Attachment:

- Staff Report to CPC dated January 23, 2014 with attachments
- Letters of Support/Opposition
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia


January 23, 2014

From: Chrishaun Smith, *CA*
City Planner I

Subject: Amend a previously granted Special Exception to operate an Entertainment Establishment at 4800 Colley Avenue, Suite C, Suite D1, and Suite D2 – Mazzika Mediterranean Restaurant

Reviewed: Leonard M. Newcomb III, *LMN*
Land Use Services Manager

Ward/Superward: 2/7

Approved: 
George M. Homewood, AICP, CFM
Acting Planning Director

Item Number: C-4

- I. **Recommendation:** Staff recommends approval, subject to the attached conditions that are necessary to bring the site more into compliance with *Zoning Ordinance* requirements.
- II. **Applicant:** Mazzika Mediterranean Restaurant
4800 Colley Avenue
- III. **Description:** This request would allow Mazzika Mediterranean Restaurant to expand the establishment into an adjacent suite, increase seating, and extend operating hours at an existing Entertainment Establishment.
- IV. **Analysis**
This site is located on the southeast corner of 48th Street and Colley Avenue in the Highland Park neighborhood.

Plan Analysis

- The proposed amendment to the Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, or multiunit residential uses and calls for the impact of parking to be minimized, with parking areas screened from view by fencing or plantings of up to four feet in height to help screen the parking from the sidewalk.
 - In order to be fully consistent with *plaNorfolk2030* a condition should be added to the Special Exception requiring the installation of a fence, wall, or hedge up

to four feet in height between the parking lot and the sidewalk lining Colley Avenue.

Zoning Analysis

- This portion of Colley Avenue is developed with a mixture of commercial uses.
- The site is zoned C-2 (Corridor Commercial), which permits the use by Special Exception.

| | Previous | Proposed |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hours of Operation | 11:00 a.m. until 2:00 a.m. seven days a week | 7:00 a.m. until 12:00 midnight Monday through Thursday 7:00 a.m. until 2:00 a.m. Friday through Sunday |
| Hours for the Sale of Alcohol | 11:00 a.m. until 12:00 midnight Sunday through Thursday 11:00 a.m. until 1:30 a.m. Friday and Saturday | Unchanged |
| Hours for Entertainment | 11:00 a.m. until 2:00 a.m. seven days a week | 6:00 p.m. until 12:00 midnight Monday through Thursday 6:00 p.m. until 2:00 a.m. Friday through Sunday |
| Capacity | <ul style="list-style-type: none"> • 86 seats indoors • 40 seats outdoors • 98 total capacity | <ul style="list-style-type: none"> • 94 seats indoors • 40 seats outdoors • 148 total capacity |
| Entertainment | <ul style="list-style-type: none"> • Disc Jockey • Cultural Dance • One Amplified Musician | <ul style="list-style-type: none"> • Disc Jockey • Cultural Dance • Comedian • Karaoke • Poetry Reading |

- Special Exception History:

| City Council Approval | Applicant | Action |
|-----------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| March 2011 | Mazzika Mediterranean Restaurant | <ul style="list-style-type: none"> • 86 seats indoors • 40 seats outdoors • 98 Total Capacity |

| | | |
|---------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Pending | Mazzika Mediterranean Restaurant (Entertainment Establishment) | <ul style="list-style-type: none"> • 94 seats indoors • 40 seats outdoors • 148 Total Capacity |
|---------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|

- The attached conditions bring the site more into compliance with *Zoning Ordinance* and *plaNorfolk2030* requirements.

Traffic Analysis

- The Institute of Transportation Engineers estimates that this restaurant will generate 39 additional vehicle trips per day by adding 8 seats at this location above currently approved totals.

V. Financial Impact

The applicant is current on all taxes.

VI. Environmental

- This site is located in a district that allows such use.
- In addition to the standard conditions applied to all eating and drinking Special Exceptions, the following conditions are proposed to bring the site more into compliance with *Zoning Ordinance* and *plaNorfolk2030* requirements.
 - A landscape buffer area of no less than 10 feet in depth shall be installed along the lot line of the property abutting residential uses.
 - Landscaping shall be installed along the lot frontage facing Colley Avenue.

VII. Community Outreach/Notification

- Legal notice was posted on the property on November 12.
- Letter was sent to the Highland Park Civic League on November 20.
- Letters were mailed to all property owners within 300 feet of the property on December 5.
- Notice was sent to the civic leagues by the Department of Communications on December 5.
- Legal notification was placed in *The Virginian-Pilot* on December 5 and 12.

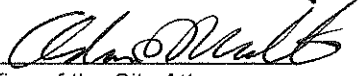
VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development, Department of Recreation, Parks, and Open Space, and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of Entertainment Establishments
- Application
- Letter to the Highland Park Civic League
- Letter of Opposition from Adjacent Business
- Letter of Support from Highland Park Civic League

Form and Correctness Approved:

By 
Office of the City Attorney

Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO MAZZIKA, LLC AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT ON PROPERTY LOCATED AT 4800 COLLEY AVENUE, SUITES C, D1, AND D2.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mazzika, LLC, authorizing the operation of an entertainment establishment named "Mazzika Mediterranean Restaurant" on property located at 4800 Colley Avenue, Suites C, D1, and D2. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the northeast corner of Colley Avenue and 48th Street fronting 180 feet, more or less, along the eastern line of Colley Avenue and 100 feet, more or less, along the northern line of 48th Street; premises numbered 4800 Colley Avenue, Suites C, D-1, and D-2.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 7:00 a.m. until 12:00 midnight Monday through Thursday and from 7:00 a.m. until 2:00 a.m. the following morning Friday through Sunday. No use of the establishment outside the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages shall be from 11:00 a.m. until 12:00 midnight Monday through Thursday and from 11:00 a.m. until 1:30 a.m. the following morning Friday through Sunday. No sale of the alcoholic

beverages outside the hours of operation listed herein shall be permitted.

- (c) The hours of operation for entertainment shall be from 6:00 p.m. until 12:00 midnight Monday through Thursday and from 6:00 p.m. until 2:00 a.m. the following morning Friday through Sunday. No entertainment outside of the hours of operation listed herein shall be permitted.
- (d) The seating for the establishment shall not exceed 94 seats indoors, 40 seats outdoors, and the total occupant capacity, including employees, shall not exceed 148 people.
- (e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (f) Entertainment shall only be provided indoors and shall be limited to karaoke, disc jockey, poetry reading, and cultural dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:

- i. Cultural dancers shall not perform nude or semi-nude, but shall perform in a state of dress more modest than semi-nude, as those terms are defined herein.
 - ii. For the purposes of this ordinance, the term "nude" means to be undressed completely, and the term "semi-nude" means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of "semi-nude" dress include but are not limited to a state of dress consisting of a bikini or equivalent clothing.
 - iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.
- (g) In addition to the above, the following restrictions shall apply to all cultural dance performances:
- i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this Special Exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective "prop" means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such "prop" swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.
 - ii. At the discretion of the grantee of this Special Exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.

- (h) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk (1979), as amended, or Chapter 8, Article 5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as Barnes v. Glen Theatre, Inc., 501 US 560 (1991) and City of Erie v. Pap's A.M., 529 US 277 (2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.
- (i) The dance floor shall not exceed 49 square feet and shall be located as indicated on the floor plan attached hereto and marked as "Exhibit B". The dance floor shall be constructed of a different material than the primary floor material.
- (j) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto at "Exhibit B".
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open

during any time that entertainment is being provided.

- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (r) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit

A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (u) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (v) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate,

supervise, and manage any event held on the premises.

(w) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(x) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This Special Exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 111 people or when otherwise required by at least 36

hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

- (z) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of §25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulation of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in Section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an Entertainment Establishment on this property, adopted on April 19, 2011, (Ordinance No. 44,213) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (7 pages)

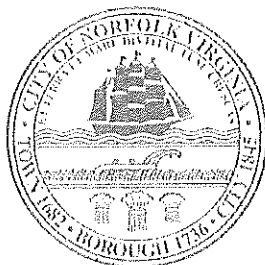


EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 11/4/13

Trade name of business MAZZIKA MEDITERRANEAN RESTAURANT

Address of business 4800 COLONY AVE

Name(s) of business owner(s)* SCREEN LLC
KHALID ALARID / SALIM KHAIREDDINE

Name(s) of property owner(s)* HARDEE REALTY (RICK HARDEE)

Name(s) of business manager(s)/operator(s) (SAME AS BUSINESS OWNERS)

Daytime telephone number (757) 553-0098

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

| Facility | Alcoholic Beverage Sales and Entertainment |
|----------------------------------------|-----------------------------------------------------------|
| Weekday From <u>7am</u> To <u>12am</u> | Weekday From <u>11am</u> To <u>12am</u> |
| Friday From <u>7am</u> To <u>2am</u> | Friday From <u>11am</u> To <u>2am</u> ^{1:30am} |
| Saturday From <u>7am</u> To <u>2am</u> | Saturday From <u>11am</u> To <u>2am</u> ^{1:30am} |
| Sunday From <u>7am</u> To <u>2am</u> | Sunday From <u>11am</u> To <u>2am</u> ^{1:30am} |

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

BIRTHDAY PARTIES, SPECIAL EVENTS
HOLIDAYS.

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
☐ Yes ☒ No

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)


Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

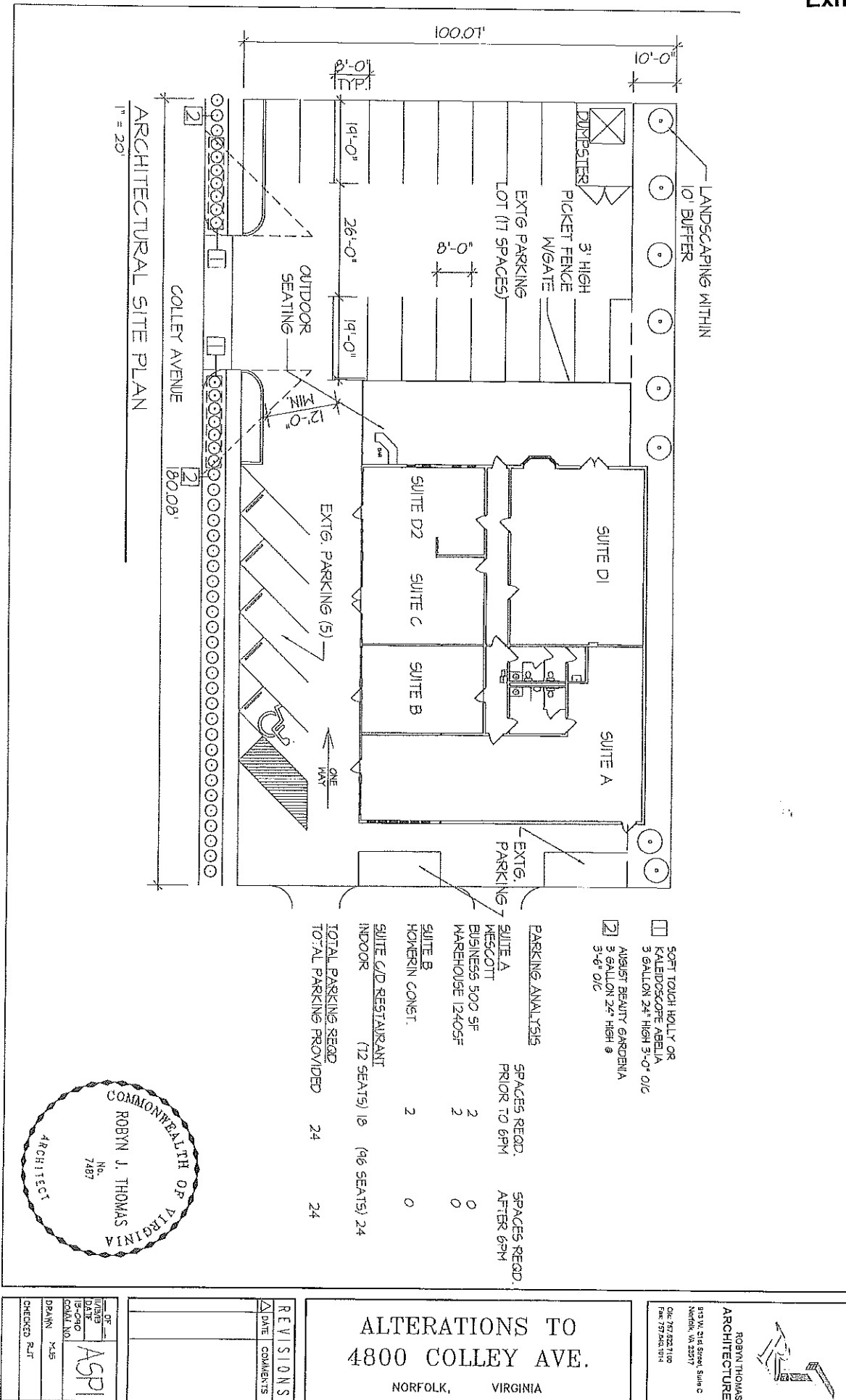
EXISTING RESTAURANT

EXPANDING NON SMOKING SECTION.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant



**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

Layout A
NO DJ
BEFORE 6pm

- o Complete this worksheet based for each floor plan submitted with application.
- o Floor plan(s) must be prepared by a registered design professional and include:
 - o Tables/seats
 - o Restroom facilities
 - o Bar
 - o Ingress and egress
 - o Standing room
 - o Disc Jockey/Band/Entertainment area)
 - o Outdoor seating
 - o Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 50
Number of bar seats 22
Standing room 9

b. Outdoor

Number of seats 40

c. Number of employees 5

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 126

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

~~DJ / Live Band~~

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

Square footage of establishment 500
Square footage of dance floor 40

- o If a disc jockey is proposed, a dance floor must be provided.
- o If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

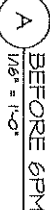
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

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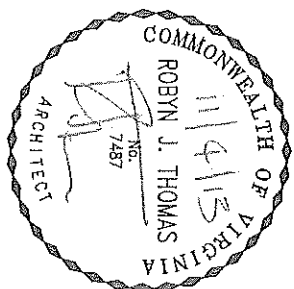
MAZIKA

4900 COLLEY AVE

ROBYN THOMAS
ARCHITECTURE

913 W. 27th Street, Suite C
Norfolk, VA 23517

Off: 757.622.7100
Fax: 757.640.7014



LAYOUT B
NO DJ
AFTER 11pm

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- o Complete this worksheet based for each floor plan submitted with application.
- o Floor plan(s) must be prepared by a registered design professional and include:
 - o Tables/seats
 - o Restroom facilities
 - o Bar
 - o Ingress and egress
 - o Standing room
 - o Disc Jockey/Band/Entertainment area)
 - o Outdoor seating
 - o Total maximum capacity (including employees)

1. Total capacity

a. Indoor

| | |
|-------------------------------------------|-----------|
| Number of seats (not including bar seats) | <u>72</u> |
| Number of bar seats | <u>22</u> |
| Standing room | <u>9</u> |

b. Outdoor

| | |
|-----------------|-----------|
| Number of seats | <u>40</u> |
|-----------------|-----------|

c. Number of employees

5

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 148

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

~~DJ / Music provided~~

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

| | |
|---------------------------------|------------|
| Square footage of establishment | <u>\$</u> |
| Square footage of dance floor | <u>445</u> |

- o If a disc jockey is proposed, a dance floor must be provided.
- o If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

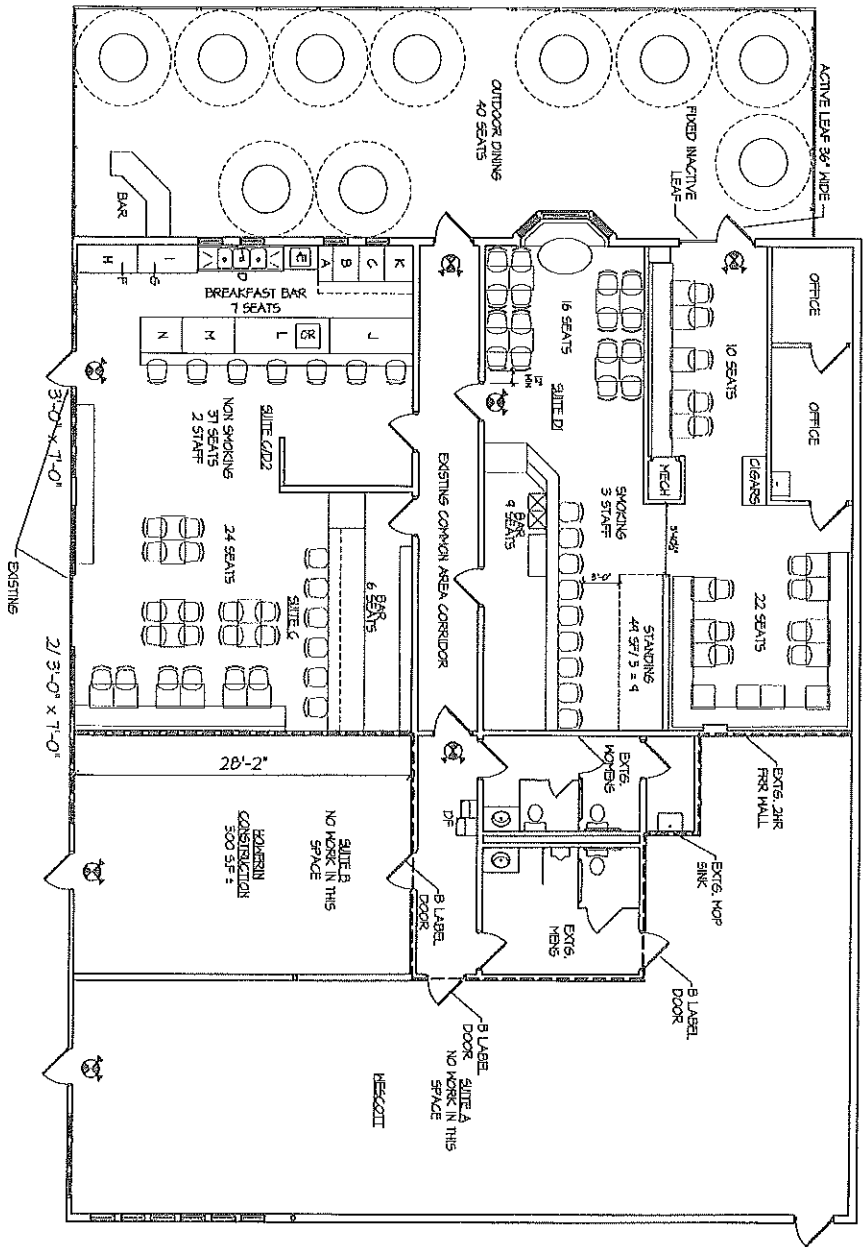
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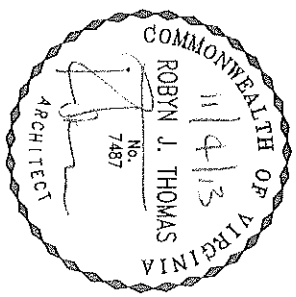
(Revised July 2013)

B AFTER 6PM
1/6" = 1'-0"



| | |
|------------------------|-------------|
| OCCUPANCY CALCULATIONS | |
| NON SMOKING SUITE C/D2 | SEATING: 24 |
| BAR SEATING: 13 | STAFF: 2 |
| NON SMOKING TOTAL: 34 | |
| SMOKING SUITE D1 | SEATING: 40 |
| BAR SEATING: 9 | STANDING: 4 |
| STAFF: 3 | |
| SMOKING TOTAL: 64 | |
| OUTDOOR SEATING 40 | |
| TOTAL OCCUPANCY: 148 | |

MAZZIKA
4800 COLLEY AVE
ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Off: 757.822.7100
Fax: 757.840.1014



LAYOUT C

DJ

AFTER 10 PM

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- o Complete this worksheet based for each floor plan submitted with application.
- o Floor plan(s) must be prepared by a registered design professional and include:
 - o Tables/seats
 - o Restroom facilities
 - o Bar
 - o Ingress and egress
 - o Standing room
 - o Disc Jockey/Band/Entertainment area)
 - o Outdoor seating
 - o Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

DANCE FLOOR

b. Outdoor

Number of seats

c. Number of employees + DJ

63

23

7

28

6

+6 = 99 MAX
INSIDE

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 127

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

DJ / BELLER DANCERS

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

Square footage of establishment 2375 SF

Square footage of dance floor 49 SF

- o If a disc jockey is proposed, a dance floor must be provided.
- o If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

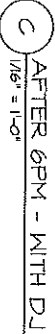
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

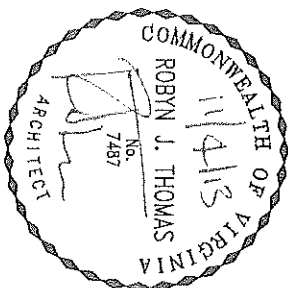
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

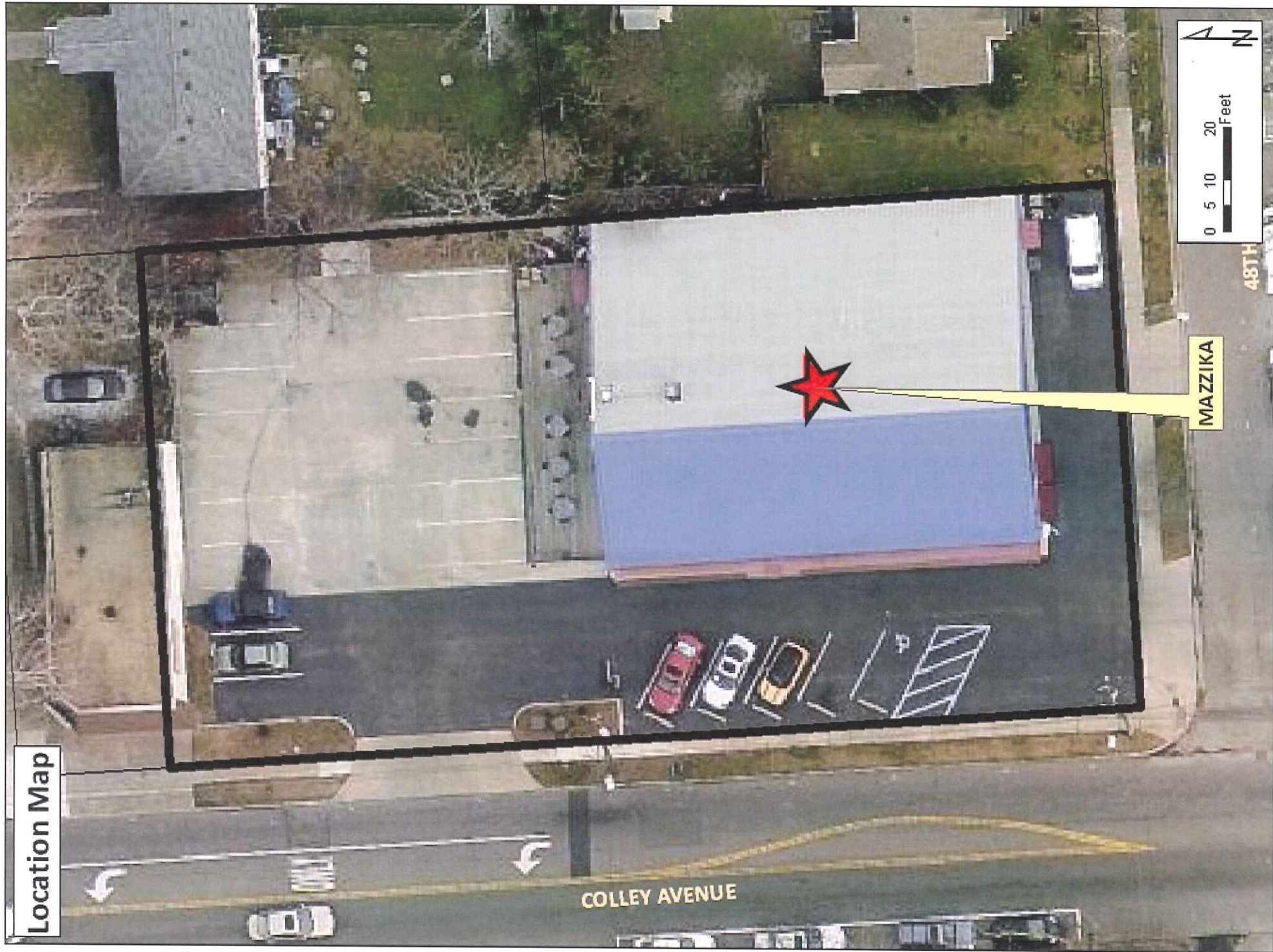
(Revised July 2013)



MAZDAKA
4600 COLLEY AVE
ROBIN THOMAS
ARCHITECTURE
919 W. 21st Street, Suite C
Norfolk, VA 23517
Off: 757.632.7100
Fax: 757.640.1014



Location Map

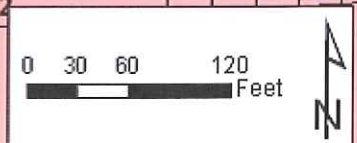
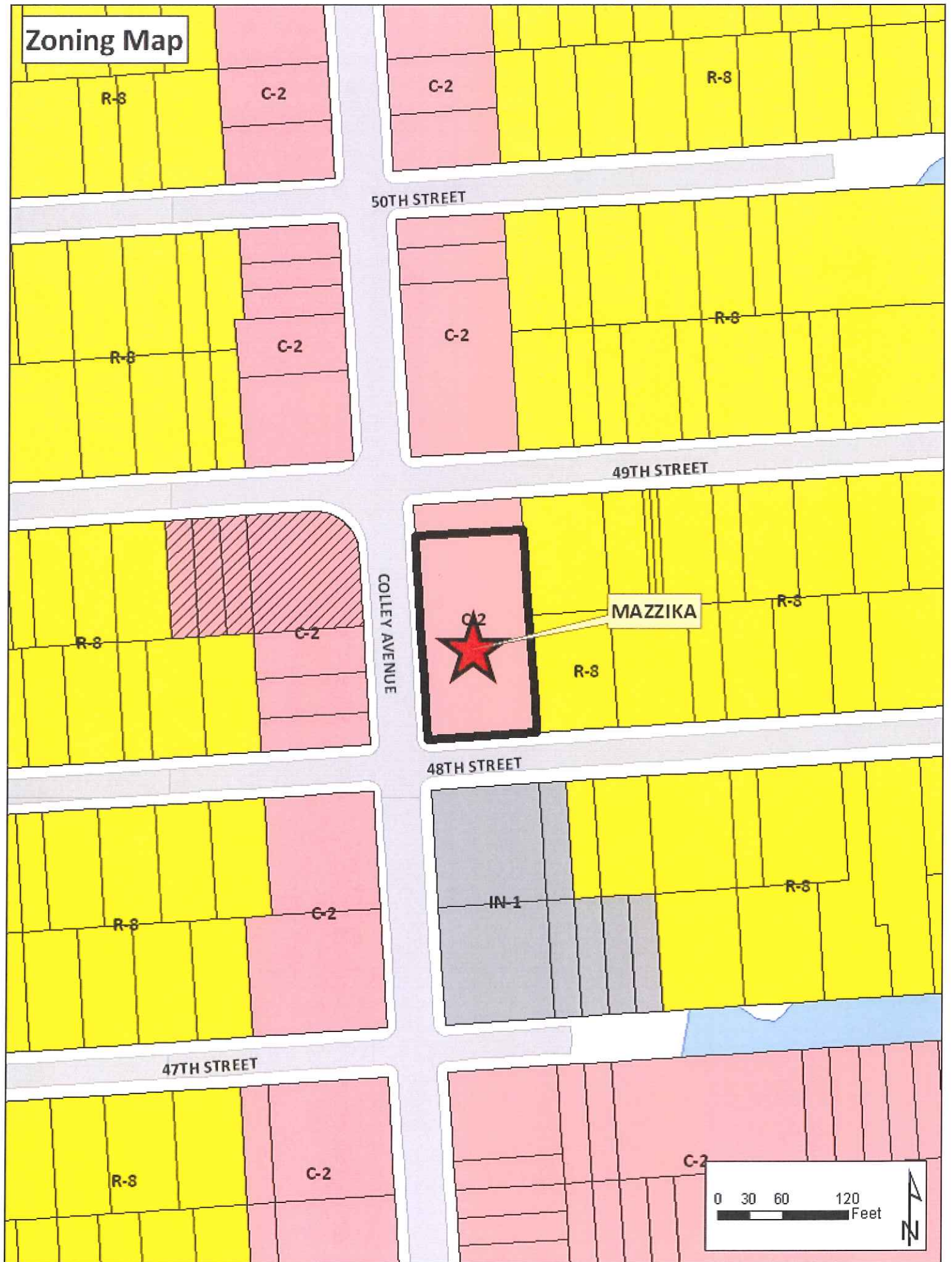


MAZZIKA

COLLEY AVENUE

48TH

Zoning Map



ABC Uses Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)**

Date 11/4/13

DESCRIPTION OF PROPERTY

Address 4800 Collier Ave

Existing Use of Property RESTAURANT

Proposed Use RESTAURANT

Current Building Square Footage 1812

Proposed Building Square Footage 2375

Trade Name of Business (If applicable) MAZZIKA MEDITERRANEAN RESTAURANT

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) KHARROOING (First) K. Salim (MI) K

Mailing address of applicant (Street/P.O. Box) 4800 Collier Ave

(City) Norfolk (State) Va (Zip Code) 23508

Daytime telephone number of applicant () 757 553-0098 Fax number () 757 623-2332

E-mail address of applicant tobaccoom@yahoo.com

2. Name of property owner (Last) Harrooing (First) K (MI) K

Mailing address of property owner (Street/P.O. box) 4800 Collier Ave

(City) Norfolk (State) Va (Zip Code) 23508

Daytime telephone number of owner () 757 553-0098 Fax number () 757 623-2332

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

CONTACT INFORMATION

Civic League contact Hawthorne Park

Date(s) contacted _____

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, \$335.00 (If check, make payable to Norfolk City Treasurer).
 - o Application fee includes a non-refundable \$5 technology surcharge.
- Two 8 1/2 x 14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - o Existing and proposed building structures
 - o Driveways
 - o Parking
 - o Landscaping
 - o Property lines (see attached example)
- Two 8 1/2 inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Horace Peckham by Kelli H. H. 11/4/13
(Property Owner or Authorized Agent Signature) (Date)

Print name: [Signature] Sign: 11/4/13
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July 2013)

KAUFMAN & CANOLES
attorneys at law

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Norfolk, VA 23510

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T (757) 624.3000
F (757) 624.3169

kaufCAN.com

Charles E. Land
(757) 624.3131
celand@kaufcan.com

December 18, 2013

Earl Fraley, Chairman
Norfolk Planning Commission
810 Union St.
Norfolk, VA 23510


Re: Mazzika Mediterranean Restaurant, Application to Amend Special Exception

Dear Mr. Fraley:

We represent 4807 Colley Avenue, LLC, the owner of an office building located at 4807 Colley Avenue on the opposite side of Colley Avenue from Mazzika Mediterranean Restaurant. The purpose of this letter is to present my client's objection to the granting of the requested Amendment to Special Exception to both expand the seating and total capacity of the restaurant and to extend its operating hours. While my client is generally supportive of the business conducted by the applicant, it believes that the proposed special exception amendment would be damaging to my client's property. The office building owned by my client has no off-street parking and so its tenant's rely totally on on-street parking. On-street parking is currently at a premium during business hours and the proposed expansion, both in hours of operating and capacity will further strain the available parking. For that reason, my client objects to the granting of the Special Exception.

I appreciate your sharing these comments with the other Planning Commission members.

Very truly yours,



Charles E. Land

CEL;mjd
cc: 4807 Colley Avenue, LLC

Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.

Smith, Chrishaun

From: HighlandParkCivicLeagueSecreta <highlandpark_cl@yahoo.com>
Sent: Friday, January 17, 2014 2:16 PM
To: Smith, Chrishaun
Subject: Mazzika Mediterranean Restaurant

January 17, 2014

Chrishaun Smith
City Planner I
City of Norfolk
Department of Planning & Community Development
810 Union Street
Norfolk, VA 23510

Re: Mazzika Mediterranean Restaurant

Dear Mr. Smith:

On January 9, 2014, Salim Khairredine presented his revised Application to amend a previously granted Special Exception to operate an Entertainment Establishment (Mazzika Mediterranean Restaurant) to the Highland Park Civic League. The revised Application to Amend differs from the Application he previously presented to the civil league on December 12, 2013, in that there will be no change to the hours for the sale of alcohol.

By majority vote, the civic league has no objection to the revised Application as presented.

If you have any questions or need any additional information, please feel free to contact me at 757-619-2880 or Wendy Hazel at 757-717-5557.

Thank you for your consideration.

T. Dale Ryder, President
Highland Park Civic League
824 W. 49th Street
Norfolk, VA 23508
highlandpark_cl@yahoo.com

From: "Smith, Chrishaun" <Chrishaun.Smith@norfolk.gov>
To: "'highlandpark_cl@yahoo.com'" <highlandpark_cl@yahoo.com>
Sent: Thursday, January 9, 2014 2:18 PM
Subject: Revised Staff Report

The hours for the sale of alcohol are located in the table under "Zoning Analysis". In light of the discussions that you have had with Mr. Salim, they will remain unchanged from what is currently in place; the sale of alcohol will stop at 1:30 a.m. not 2:00 a.m.

Chrishaun Smith
City Planner I
City of Norfolk
Department of Planning and Community Development

November 20, 2013

Dale Ryder
President, Highland Park Civic League
824 West 49th Street
Norfolk, VA 23508

Dear Mr. Ryder:

The Planning Department has received an application for a Special Exception to amend a previously granted Special Exception for an Entertainment Establishment with alcoholic beverages on property located at 4800 Colley Avenue. This item is tentatively scheduled for the December 19, 2013 City Planning Commission public hearing.

Summary

This request would allow Mazzika Mediterranean to expand an existing Entertainment Establishment into the bay previously used as a tobacco shop.

| | Previous | Proposed |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Hours of Operation | 11:00 a.m. until 2:00 a.m. Seven Days a Week | 7:00 a.m. until 12:00 midnight Monday through Thursday 7:00 a.m. until 2:00 a.m. Friday through Sunday |
| Hours for the Sale of Alcohol | 11:00 a.m. until 12:00 midnight Sunday through Thursday 11:00 a.m. until 1:30 a.m. Friday and Saturday | 11:00 a.m. until 12:00 midnight Monday through Thursday 11:00 a.m. until 2:00 a.m. Friday and Sunday |
| Seating Capacity | <ul style="list-style-type: none"> • 86 seats indoors • 40 seats outdoors • 98 total capacity | <ul style="list-style-type: none"> • 94 seats indoors • 40 seats outdoors • 148 total capacity |

| | | |
|---------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Entertainment | <ul style="list-style-type: none"> • Disc Jockey • Cultural Dance • One Amplified Musician | <ul style="list-style-type: none"> • Disc Jockey • Cultural Dance • Comedian • Karaoke • Poetry Reading |
|---------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|

If you would like additional information on the request, you may contact the applicant, Salim K. Khareddine at (757) 553-0098 or you may telephone Chrishaun Smith at (757) 664-4740. A copy of the complete application is enclosed.

Sincerely,



George M. Homewood, AICP, CFM
Acting Planning Director

cc: Vanessa Seals, Senior Neighborhood Development Specialist

Proponents

Salim Khaireddine
4800 Colley Avenue
Norfolk, VA 23508

Opponents

None